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**BY ECF**

Hon. Paul A. Crotty  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Johnny Hincapie v. The City of New York, et al.*, 18-CV-3432 (PAC)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and one of the attorneys assigned to the defense of the above-referenced matter. Defendants write to respectfully request a stay of this matter, inclusive of all discovery deadlines as set forth in the Case Management Plan (Dkt. No. 144-1), for at least thirty (30) days. Plaintiff consents to defendants' application for a 30-day stay of the matter and, to the extent the Court is inclined to grant the relief, respectfully requests that the deadlines in the parties' proposed discovery schedule filed at DE #144-1 be commensurately extended to account for the delay. This is Defendant's first request for a stay regarding the discovery deadlines in the instant matter.

By way of background, on February 7, 2020, the parties previously agreed on and submitted to the Court a proposed discovery schedule. (Dkt. No. 144-1.) While the proposed discovery schedule has not yet been endorsed by Your Honor, the agreed upon discovery schedule provides in pertinent part that: initial disclosures be served by March 5, 2020; initial document requests and interrogatories be served by March 20, 2020; depositions and fact discovery be completed by October 5, 2020; and expert discovery be completed by December 7, 2020. (*Id.*) The parties submitted the proposed discovery schedule in light of the volume of discovery anticipated in connection with an overturned conviction lawsuit. On February 14, 2020, plaintiff served defendants with plaintiff's demands. On March 5, 2020, the parties exchanged initial disclosures. Plaintiff thereafter agreed to an extension of time for defendants to respond to plaintiff's demands until March 23, 2020.

Defendants' request for a stay is due to the impact of the current coronavirus pandemic in New York City and elsewhere, and the dramatic changes in work schedules and abilities as a

result. As the Court is aware, the coronavirus has disrupted normal daily activities, both inside and outside of the office. A stay will accommodate these unusual and rapid-developing circumstances, including anticipated delays and complications stemming from staffing shortages, as more and more people must work from home or otherwise remotely. Defendants' counsels are currently restricted to very minimal access to their facilities and are severely constricted in their ability to operate in general, as well as their ability to abide by the current discovery obligations and deadlines. These restrictions may only become more burdensome should further measures to combat the coronavirus be implemented in New York City. Defendants request a stay of all deadlines until the parties and the Court have an update on the current health crisis.

For the foregoing reasons, Defendants respectfully request a stay of this matter, inclusive of all discovery deadlines as set forth in the Case Management Plan (Dkt. No. 144-1), for at least thirty (30) days.

Defendants thank the Court for its time and consideration of the within request.

Respectfully submitted,

*Frank A. DeLuccia* /s/

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cc: All counsel of record (by ECF)